

REMARKS

Claims 33 to 35 are added, claim 24 is canceled without prejudice, and therefore claims 17, 19 to 23 and 25 to 35 are now pending in the present application.

Applicants hereby respectfully request further examination and reconsideration of the application based on the following.

Claims 17 and 19 to 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2004/0228366 ("Fuehrer") in view of Rahl Shah & Xuanming Dong, An Introduction to TTCAN ("Shah") in further view of U.S. Patent No. 5,694,542 ("Kopetz").

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claim 17 has been rewritten to better clarify the claimed subject matter. Claim 17 now includes the features of claim 24, which has been canceled without prejudice.

In particular, claim 17, as presented, is to method for exchanging messages containing data between at least two stations over a bus system, including: repeatedly transmitting over the

bus system, by a first station, a reference message containing time information of the first station at at least one specifiable time interval, the time interval being subdivided as a basic cycle into time windows, a pause period of variable duration being provided at an end of at least one basic cycle; transmitting messages containing data in at least some of the time windows; adapting the duration of the pause period; *determining a correction value based on a local time of a station and a cycle time*, the correction value being used in adapting the duration of the pause period; *and compensating for a time deviation by correcting a time of a start of the basic cycle, and correcting the time by adapting the duration of the pause period; in which the time of the start of the basic cycle is corrected by one of lengthening and shortening the duration of at least one pause period.*

The “Fuerher” reference does not disclose nor suggest the features of *repeatedly transmitting over the bus system, by a first station, a reference message containing time information of the first station at at least one specifiable time interval, in which the time interval is subdivided as a basic cycle into time windows, and a pause period of variable duration is provided at an end of at least one basic cycle.* The “Fuerher” reference also does not disclose nor suggest the feature in which *the time of the start of the basic cycle is corrected by one of lengthening and shortening the duration of at least one pause period.*

Even if the “Fuerher” reference assertedly refers to blocks of variable lengths within communication frames, the “Fuerher” reference does not disclose nor suggest the feature of *repeatedly transmitting the communication frames at any specifiable time interval*, and it also does not disclose nor suggest *determining a correction value based on a local time of a station and a cycle time*, the correction value being used in adapting the duration of the pause period; *and compensating for a time deviation by correcting a time of a start of the basic cycle, and correcting the time by adapting the duration of the pause period, in which the time of the start of the basic cycle is corrected by one of lengthening and shortening the duration of at least one pause period*, as provided for in the context of the presently claimed subject matter.

The “Shah” reference also does not disclose nor suggest the foregoing features. Even if the “Shah” reference assertedly refers to a data frame surrounded by periods of time in which the bus is idle, the “Shah” reference does not disclose nor suggest (1) *a pause period of variable duration being provided at an end of at least one basic cycle.* In particular, the data frame referred to by the “Shah” reference at page 9 does not represent a basic cycle. Instead,

the data frame referred to by the “Shah” reference at page 9 only represents a single data frame. Even if more than one of the single data frames referred to by the “Shah” reference at page 9 may be transmitted, the single data frames referred to by the “Shah” reference at page 9 are not *repeatedly transmitted at any specifiable time interval* and are not transmitted according to any sort of approach that uses a basic cycle -- as provided for in the context of the presently claimed subject matter. The “Shah” reference also does not disclose nor suggest the feature in which *a pause period of variable duration being provided at an end of a basic cycle*.

Still further, the “Shah” reference does not disclose nor suggest the feature of *adapting the duration of a pause period of variable duration being provided at an end of at least one basic cycle*. Even if the data frames referred to by the “Shah” reference at page 9 may be transmitted arbitrarily, with different periods of time in between each frame, the data frames referred to by the “Shah” reference at page 9 are not transmitted as part of a basic cycle that includes a pause period, and the duration of no such pause period is adapted. The “Shah” reference also does not disclose nor suggest the features of *compensating for a time deviation by correcting a time of a start of the basic cycle, and correcting the time by adapting the duration of the pause period, in which the time of the start of the basic cycle is corrected by one of lengthening and shortening the duration of at least one pause period*.

The “Kopetz” reference does not disclose nor suggest the feature of *determining a correction value based on a local time of a station and a cycle time, the correction value being used in adapting the duration of the pause period*. In particular, the “Kopetz” reference does not disclose nor suggest the feature of *determining a correction value based on a local time of a station and a cycle time*.

The method referred to by the “Kopetz” reference measures the difference between an expected time of arrival and an actual time of arrival of a message. This difference of the “Kopetz” reference is a measure of the difference between the state of the local clock of a sender computer and the state of the local clock of a receiver computer, and is ascertained between the node computers of a system and the ascertained differences are input into algorithms that help to maintain clock synchronization between the node computers. These differences of “Kopetz” are not based on a *cycle time*.

Accordingly, claim 17, as presented, is allowable, as are its dependent claims 19 to 23 and 25 to 30.

Claims 31 and 32 include features like those of claim 17, as presented, and are therefore allowable for essentially the same reasons as claim 17, as presented.

As further regards all of the obviousness rejections, any Official Notice is respectfully traversed to the extent that it is maintained and it is requested that the Examiner provide specific evidence to establish those assertions and/or contentions that may be supported by the Official Notices under 37 C.F.R. § 1.104(d)(2) or otherwise. In particular, it is respectfully requested that the Examiner provide an affidavit and/or that the Examiner provide published information concerning these assertions. This is because the § 103 rejections are apparently being based on assertions that draw on facts within the personal knowledge of the Examiner, since no support was provided for these otherwise conclusory and unsupported assertions. (See also MPEP § 2144.03).

Claims 33 to 35 do not add any new matter and are supported by the present application, including the specification. Claims 33 to 35 depend from claim 17 and are therefore allowable at least for the same reasons as claim 17, as presented.

In summary, all of pending claims 17, 19 to 23 and 25 to 35 are allowable.

CONCLUSION


It is therefore respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

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